

**Department of Legislative Services**  
Maryland General Assembly  
2025 Session

**FISCAL AND POLICY NOTE**  
**Third Reader - Revised**

Senate Bill 770

(Senator Gile)

Education, Energy, and the Environment

Ways and Means

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**Public Schools and Youth Services - Crisis Support and Assistance and  
Workgroup Study**

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This bill requires each local school system to provide crisis support and assistance to a public school when a teacher or other school employee with direct contact with minors is removed from the classroom or school building due to alleged criminal activity or for student safety. To provide the support and assistance, each local school system must establish a crisis response team and standardized crisis response protocols. The bill also requires the Maryland State Department of Education (MSDE) to convene a diverse stakeholder workgroup to examine the impact on (1) the public school systems in the State of adding a requirement to the hiring process for applicants for a position involving direct contact with minors to include information regarding the applicant's history of "boundary-violating behavior" and (2) "youth-serving organizations" in the State of adding requirements for hiring personnel and organization registration with an appropriate government agency. By December 1, 2025, MSDE must report the workgroup's findings and recommendations to the General Assembly, as specified. **The bill takes effect July 1, 2025.**

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**Fiscal Summary**

**State Effect:** General fund expenditures increase by approximately \$32,000 in FY 2026 for MSDE to hire contractual staff. Future years reflect assumed termination of the position upon completion of the reporting requirement. Revenues are not affected.

(in dollars)	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030
Revenues	\$0	\$0	\$0	\$0	\$0
GF Expenditure	32,000	0	0	0	0
Net Effect	(\$32,000)	\$0	\$0	\$0	\$0

*Note: () = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate increase; (-) = indeterminate decrease*

**Local Effect:** Local school system expenditures may increase in certain jurisdictions, as discussed below. Revenues are not affected. **This bill may impose a mandate on a unit of local government.**

**Small Business Effect:** None.

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## Analysis

### Bill Summary:

#### *Crisis Response Team*

A crisis response team established under the bill must, at a minimum, include a trauma-informed counselor and legal counsel. It is the intent of the General Assembly that a crisis response team be established using the existing resources of the local school system.

The standardized crisis response protocols required by the bill must include:

- a communications plan that provides accurate information to all stakeholders in a school's community, including students, school personnel, parents and guardians, and any others, in a manner that is timely, clear and informative, compliant with legal advice, and trauma-informed;
- resources for parents and guardians that provide specified guidance;
- the provision of (or referral to) trauma-informed counseling services for students and impacted families;
- resources for school personnel that provide specified guidance;
- the placement of impacted students in spaces in the school that minimizes trauma;
- legal guidance from the local school system attorney; and
- any other information determined relevant by the local school system.

Further, a local school system must:

- provide to each principal and at least one other designated administrator of a school in the county (1) a copy of (and training on) the use of the standardized crisis response protocols; (2) clear guidance on when and how to activate the crisis response team; and (3) any other assistance, as specified;
- establish a method for receiving feedback from principals and other local school system stakeholders on the effectiveness of the standardized response protocols and crisis response team; and

- continually update the standardized crisis response protocols based on specified factors.

*Stakeholder Workgroup*

“Boundary-violating behavior” means an adult behaving in a manner that (1) compromises the safety and well-being of a minor; (2) is exploitative or harmful to a minor; or (3) is otherwise inappropriate, including unwanted physical contact, emotional manipulation or abuse, or sharing inappropriate information.

“Youth-serving organization” means an organization, an institution, an agency, a government program, a community group, or any other entity that is responsible for the care, supervision, guidance, education, development, or training of minors, including after school programs, mentor programs, summer camps, and recreational sports leagues and teams.

The workgroup must review the definitions above to determine whether they are sufficiently precise, specific, and unambiguous to be clearly understood, as specified. If the workgroup does not find the definitions are sufficiently precise, specific, and unambiguous, the workgroup must recommend a definition that meets the same criteria as the definitions above, if possible.

The workgroup must examine the impact on the public school system and youth-serving organizations of implementing a change to the hiring process requiring an applicant for a position involving direct contact with minors to include information regarding the applicant’s history of boundary-violating behavior, as specified, in the following areas for cost, administrative burden, and timeliness:

- hiring process;
- licensing (if applicable for youth-serving organizations);
- training (and professional development for public schools); and
- enforcement.

The workgroup must also discuss and recommend an appropriate State government agency to administer a registration process and provide oversight for any hiring requirements for youth-serving organizations.

## **Current Law:**

### *Child Sexual Abuse Prevention Instruction and Training*

A local board of education or a nonpublic school that receives State funds must require each employee to receive instruction with specified elements annually on the prevention, identification, and reporting of child sexual abuse. In addition, each local board of education must (1) establish and implement policies that support the prevention of child sexual abuse through ongoing training of staff that include specified elements and (2) develop employee codes of conduct that address appropriate contact between staff and students.

### *Hiring Requirements and Procedures (Applicable to Local Boards, Nonpublic Schools, or Contracting Agencies)*

“Direct contact with minors” is the care, supervision, guidance, or control of, or routine interaction with, a minor.

Local boards, nonpublic schools, and a contracting agency (an entity that contracts with a local board or nonpublic school to provide a service to a school or the students of a school) must require an applicant for a position involving direct contact with minors to submit contact information: (1) for the current employer; (2) for all former school employers, including employers for which the applicant was an emergent employee; and (3) for all former employers of the applicant in which the applicant was employed in a position involving direct contact with minors within the previous 10 years. A written authorization that consents to the release of records relating to child sexual abuse or sexual misconduct must also be submitted.

An application must also provide a written statement of whether the applicant (1) has been the subject of a child sexual abuse or sexual misconduct investigation by specified entities, unless the investigation resulted in specified findings; (2) has ever been disciplined, discharged, nonrenewed, or asked to resign from employment, or has ever resigned from or otherwise separated from employment while such allegations were pending, under investigation, or due to an adjudication or findings of such actions; or (3) has ever had a license, professional license, or certificate suspended, surrendered, or revoked in connection with child sexual abuse or sexual misconduct allegations.

Before hiring an applicant, a local board, nonpublic school, or contracting agency must conduct a review of the employment history of the applicant by contacting the employers listed by the applicant and requesting specified information, including answers to the questions regarding the circumstances specified above. A local board, nonpublic school, or contracting agency must also request a report from MSDE regarding the applicant’s

eligibility for employment or certification status to determine whether the applicant (1) holds a valid and active certification appropriate for the position and is otherwise eligible for employment and (2) has been the subject of professional discipline related to child sexual abuse or sexual misconduct.

An employer must, no later than 20 days after receiving a request for information, send to the local board, nonpublic school, or contracting agency the information requested on the form prescribed by MSDE. If the information includes an affirmative response to the child sexual abuse or sexual misconduct questions and the entity makes a determination to further consider the applicant for employment, it must request that the former employer provide additional information, including all records related to child sexual abuse or misconduct. An employer receiving such a request must provide the additional information within 60 days to (1) the requesting local board, nonpublic school, or contracting agency and (2) the applicant who is under consideration for employment.

A local board or nonpublic school may use an employment history review completed as specified by a current or former employer if the employer is a local board or nonpublic school and the applicant (1) swears or affirms that the completed employment history review includes all prior employment required to be reported and (2) provides information about any employment subsequent to the previous employment history review by the current or former local board or school.

Likewise, a contracting agency may use an employment history review completed as specified by a current or former employer if the employer is a contracting agency and the applicant (1) swears or affirms that the completed employment history review includes all prior employment required to be reported and (2) provides information about any employment subsequent to the previous employment history review by the contracting agency.

Statute includes additional requirements for the use of substitute employees and the authorized hiring of emergent employees under certain conditions.

#### *Information and Records – Requirements and Authorized Use*

Information and records about an applicant received by a local board, nonpublic school, or contracting agency pursuant to the above provisions are not a public record for the purposes of the Maryland Public Information Act. An entity receiving such information and records may (1) use them for the purpose of evaluating the applicant's fitness to be hired or for continued employment and (2) report the information to other specified entities, including MSDE or child protective service agencies, as appropriate.

### *Miscellaneous Provisions*

A local board, nonpublic school, or contracting agency may not enter into any contract or agreement, including collective bargaining agreements and employment contracts, that have specified consequences, including having the effect of suppressing information relating to an investigation or disciplinary action in response to a report of suspected child sexual abuse or sexual misconduct by a current or former employee. A provision executed, amended, or entered into on or after July 1, 2019, is contrary to these prohibitions is void and unenforceable.

Immunity provisions are also specified in statute for individuals who provide information or records in good faith as specified.

### *Authorized Discipline and Civil Penalties*

An applicant who provides false information or willfully fails to disclose material information as required must be subject to discipline up to and including termination or denial of employment and may be subject to professional discipline in accordance with MSDE regulations. The willful failure of an employer or former employer to respond to or provide the information and records requested may result in civil penalties or professional discipline, if appropriate. An employer or former employer may not be held liable for failure to respond to a request for information if (1) the laws of the state in which the employer or former employer is located prohibit the release of the information or records requested or (2) the disclosure of the information and records requested is restricted by the terms of a contract entered into on or before June 30, 2019.

MSDE may initiate disciplinary action before a hearing officer in accordance with regulations against an applicant, an employee, a contracting agency, or a school administrator for willful violations. MSDE may adopt regulations establishing procedures relating to disciplinary proceedings and the assessment of penalties.

The above requirements may not be construed to (1) prevent a prospective employer from conducting further investigations of prospective employees, requesting applicants to provide additional background information, or requesting that an employer or a former employer provide more information; (2) relieve a local board, nonpublic school, contracting agency, or any other mandated reporter of its legal responsibility to report suspected incidents of child sexual abuse or sexual misconduct in accordance with State law or MSDE's reporting requirements; or (3) prohibit the right of the exclusive representative under a collective bargaining agreement to grieve and arbitrate the validity of an employee's termination or discipline for just cause or the causes set forth in statute.

**State Expenditures:** General fund expenditures increase by \$31,995 in fiscal 2026 for MSDE to hire a half-time contractual employee to perform the functions required by the bill (*i.e.*, coordinating workgroup activities and preparing/submitting the required report). It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Contractual Position	0.5
Salary and Fringe Benefits	\$25,179
Operating Expenses	<u>6,816</u>
<b>Total FY 2026 State Expenditures</b>	<b>\$31,995</b>

Future year expenditures reflect termination of the position (*i.e.*, upon completion of the reporting requirement).

**Local Expenditures:** Despite the legislative *intent* expressed in the bill for crisis response teams to be established using the existing resources of the local school system, certain local school systems may be affected by the bill's crisis support and assistance requirements. However, other local school systems may not be significantly affected. For example, Anne Arundel County Public Schools (AACPS) advises that the bill likely has no fiscal impact, as AACPS already has a crisis response team and structure in place to handle the bill's requirements. Any other changes required under the bill can likely be handled with existing resources.

Similarly, Montgomery County Public Schools (MCPS) advises that the bill should not have any short-term fiscal impact, as MCPS also has a system for providing crisis intervention in its schools. Nevertheless, MCPS advises that, under the bill, it may need to deploy its existing crisis response team more often.

The exact impact on other local school systems cannot be determined at this time; however, to the extent local school systems do not presently provide the crisis response services required under the bill, costs may increase to hire the required personnel and to comply with the bill's other requirements.

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## Additional Information

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** HB 1105 (Delegate Patterson, *et al.*) - Ways and Means.

**Information Source(s):** Anne Arundel, Baltimore, Charles, Dorchester, Garrett, and Montgomery counties; Maryland Municipal League; Maryland State Department of Education; Department of Juvenile Services; Department of Natural Resources; Department of Public Safety and Correctional Services; Department of State Police; Baltimore City Public Schools; Baltimore County Public Schools; Montgomery County Public Schools; Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2025

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